



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

FRIDAY, MAY 31, 2002
and
SATURDAY, JUNE 1, 2002

FRIDAY, MAY 31, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Joel N. Lubritz, M.D., Secretary-Treasurer
Paul A. Stewart, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney
General
John B. Lanzillotta, P.A.-C, Physician Assistant Advisory
Committee Member

AGENDA ITEM 1

Call to Order - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English, M.D., President, at 4:35 p.m.

Mr. Lessly announced the Governor's re-appointment of Dr. Baepler as a member of the board for a second term. The board members and staff congratulated Dr. Baepler.

AGENDA ITEM 2

Approval of Minutes

- March 1 & 2, 2002 Board Meeting - Open/Executive Sessions
- April 1, 2001 Emergency Telephone Conference Call Board Meeting - Open Session

Dr. Baepler moved to accept the minutes of the March 1 & 2, 2002 Board Meeting - Open/Executive Sessions and April 1, 2001 Emergency Telephone Conference Call Board Meeting - Open Session. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 24

Election of Officers

Dr. Hug-English asked for nominations for the office of President.

Dr. Stewart nominated Dr. Hug-English for the office of President. Dr. Titus seconded the motion.

There being no other nominations, Dr. Hug-English was elected President by acclamation.

Dr. Hug-English called for nominations for the office of Vice President.

Mrs. Kirch nominated Dr. Jones for the office of Vice President. Dr. Titus seconded the motion.

There being no other nominations, Dr. Jones was elected Vice President by acclamation.

Dr. Hug-English called for nominations for the office of Secretary-Treasurer.

Dr. Titus nominated Dr. Stewart for the office of Secretary-Treasurer. Dr. Baepler seconded the motion.

There being no other nominations, Dr. Stewart was elected Secretary-Treasurer by acclamation.

AGENDA ITEM 25

Appointment of Members to the Investigative and Internal Affairs Committees

Dr. Hug-English made the following committee appointments:

Investigative Committee:

Dr. Stewart, Chair
Dr. Baepler, Member
Dr. Montoya, Member

Internal Affairs Committee:

Dr. Jones, Chair
Mrs. Kirch, Member
Dr. Anjum, Member

AGENDA ITEM 3

Personnel

Executive Session

- to Discuss Professional Competency of Staff

Dr. Stewart moved to go into Executive Session to discuss the professional competency of board staff. Dr. Jones seconded the motion, and it passed unanimously.

Open Session

- to Approve:
 - Re-organization of Investigative Staff
 - Promotion of Douglas C. Cooper to Chief Investigator
 - Promotion of Lynnette L. Krotke to Investigator
 - Revised Position Descriptions
 - Restructuring of Financial Manager Position
 - Re-organization of Licensing Staff
 - Promotion of Elizabeth A. Larragueta to Chief License Specialist
 - Re-titling of Receptionist Position as Credentialing Specialist
 - Revised Organizational Chart
- to Set Compensation for Fiscal year 2002-2003 for Staff

Upon returning to Open Session, Mr. Lessly requested the board's ratification of the items listed under this agenda item for approval.

Dr. Stewart moved to ratify all items listed for board approval. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Stewart moved to approve the board staff's fiscal year 2002-2003 salaries, as recommended by the Internal Affairs Committee. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Hug-English recessed the meeting for dinner at 6:30 p.m.

Dr. Titus and Dr. Lubritz left the meeting.

The meeting reconvened at 7:15 p.m.

AGENDA ITEM 22

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne
D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Budget for Fiscal Year 2002-2003*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Cheryl A. Hug-English, President

- **Diversion Program:** ***Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation**

Ms. Bowers reviewed the previously distributed Diversion Program's Quarterly Report for members. Discussion ensued.

AGENDA ITEM 7

Consideration of Petition from the Douglas County Commissioners to Waive Requirements for Licensure Per NRS 630.164(1) for Jack M. Bertman, M.D.

Mr. Lessly advised that an area of a county may be designated as underserved in primary care, per Nevada law, when the area has one primary care M.D. per 2,500 population. He stated that the Minden/Gardnerville area has a population of 22,084 with 32 primary care M.D.s working in the area - a ratio of one M.D. per 700 population.

Dr. Montoya moving to deny the petition from the Douglas County Commissioners to waive the requirements for licensure per NRS 630.164(1) for Jack M. Bertman, M.D. Dr. Baepler seconded the motion.

Discussion ensued, with Dr. Montoya withdrawing his motion.

Dr. Stewart moved to table the agenda item until tomorrow, when Dr. Titus will be present at the meeting to provide members with her perception of the status of primary care M.D.s in the Minden/Gardnerville area. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 8

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 1 & 2, 2002 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the March 1 & 2, 2002 board meeting. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 20

Consideration of Request from the Citizens Advocacy Center for Board Participation in the PREP Program

Mr. Lessly referred members to the letter in the agenda book from the Citizen Advocacy Center requesting the board's participation in its pilot program entitled Practitioner Remediation and Enhancement Partnership (PREP). Per the letter, *PREP is a framework within which state medical, nursing, and eventually other health professional licensing boards work with hospitals and other health care organizations to identify, remediate and monitor health care practitioners with deficiencies that cause concern but do not rise to the level of precipitating disciplinary action.*

Discussion ensued. Dr. Baepler stated his feeling that the idea of the program is a fine one, but needs to mature. He added that he feels the request for the board's participation is not timely, but should be reconsidered once the program is fully developed.

Dr. Baepler moved that the board not participate in PREP at this time. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 21

Legal Reports - Richard J. Legarza, J.D., General Counsel

- Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status

- Board Ordered Terms, Conditions and Probation Status

Mr. Legarza reported that all licensees currently on disciplinary probation with the board are in compliance.

- Board Litigation Status

Mr. Legarza reported that no action has been taken by the District Court in William O. Murray, M.D.'s appeal of the board's revocation of his license and the case has been under consideration by the court for two and one-half years.

He reported that the case of the appeal by George S. Lakner, M.D. of the board's revocation of his license has been briefed in District Court.

Mrs. Bible stated that she had nothing to report.

Mr. Legarza congratulated Mrs. Bible on the very well-written final orders she has been preparing for the board's disciplinary cases.

AGENDA ITEM 22 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne
D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Budget for Fiscal Year 2002-2003*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Cheryl A. Hug-English, President

- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C

Mr. Lanzillotta asked whether there were any physician assistant related matters that the board would like the committee to research or if there are any problems with any individual physician assistants that may require committee input at this time.

Discussion ensued, with no requests of the Physician Assistant Advisory Committee made by any board members.

- Investigative Committee - Joel N. Lubritz, M.D., Chairperson

Dr. Baepler reported on behalf of Dr. Lubritz, stating that 134 cases were closed and five complaints were filed by the committee at its meeting earlier in the day. He distributed the listing of the cases recommended for closure by the Investigative Committee for members' review and consideration for closure.

AGENDA ITEM 23

Executive Staff Reports

- Larry D. Lessly, J.D., Executive Director
- Maureen E. Lyons, Deputy Executive Director
- Consideration of Request for Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for July 1 through September 30, 2002
- Consideration of Legislation for Next Legislative Session and Revision of Regulations (*Time Limits*
for Completion of USMLE Steps 1, 2 and 3 for M.D./Ph.D. Candidates)
- International Association of Medical Regulatory Authorities:
 - Consideration of Applying for Board Membership
 - Consideration of Request for Call for Nominations
- Update on Enhancements to Board's Web Site www.state.nv.us/medical/ (Profiling)
- Informational Items

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Lessly requested board investigative staff attendance at the Federation of State Medical Boards of the United States, Inc.'s upcoming Investigator Workshops.

Mrs. Kirch moved to approve investigative staff attendance at the Federation of State Medical Boards of the United States, Inc.'s upcoming Investigator Workshops. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for July 1 through September 30, 2002

Mr. Lessly reported that the board's PSA air-time statistics have improved and the PSA spots seem to be successful, as the number of calls to the board's office as a result of the spots have increased.

Mrs. Kirch moved to continue the board's contract with Nevada Broadcaster's Association for the period July 1 through September 30, 2002, at a cost of \$5,000.00 per month. Dr. Baeppler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Legislation for Next Legislative Session and Revision of Regulations (*Time Limits for Completion of USMLE Steps 1, 2 and 3 for M.D./Ph.D. Candidates*)

Mr. Lessly advised that board staff has no recommendation for legislation and no board member has contacted him with any recommendations for legislation to be introduced by the board at the 2003 Legislative Session.

He advised that the Federation of State Medical Boards, Inc. recommends that the USMLE seven-year time limit be extended to ten years for M.D./Ph.D. candidates due to the extensive time required to obtain a Ph.D. He added that should the board wish to make this change, a formal regulation change would be required.

Dr. Stewart moved to extend the USMLE seven-year time limit to ten years for M.D./Ph.D. candidates. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English directed Mr. Legarza to draft a proposed amendment to the board's regulations to extend the USMLE seven-year time limit to ten years for M.D./Ph.D. candidates.

- International Association of Medical Regulatory Authorities:
- Consideration of Applying for Board Membership
- Consideration of Request for Call for Nominations

Mr. Lessly requested the board's consideration of applying for board membership to the International Association of Medical Regulatory Authorities.

Discussion ensued, with the consensus being that no decision would be made in this matter until after Dr. Jones' and Dr. Stewart's return from the International Association of Medical Regulatory Authorities annual meeting to be held in Toronto, Canada in June 2002.

There were no calls for nominations made.

- Update on Enhancements to Board's Web Site www.state.nv.us/medical/ (Profiling)

Mrs. Lyons reported that the licensee look-up feature will be activated on the board's website sometime during the summer, as soon as it is tested and finalized.

Mr. Lessly addressed the matter of the information that will be available via the licensee look-up feature on the board's website, advising that the Citizen's Advocacy Center wants boards to provide malpractice and board certification information, which will not be available via the board's website licensee look-up feature. He added that state legislation will probably be passed requiring that such information be available via the board's website and the board needs to be prepared for the passage of such legislation.

- Informational Items

Mr. Lessly advised that the Regional Workshops offered annually by the Federation of State Medical Boards of the United States, Inc. will be available for attendance via computer on October 28, 2002. The topic of this year's workshops is *Medical Boards and the Impaired Physician*. He asked members to advise him should they wish to attend a workshop this year.

Mr. Lessly advised that he will attend a Federation of State Medical Boards of the United States, Inc. Program Committee meeting in Chicago on July 12-14, 2002. He added that Arne D. Rosencrantz, former public member of the board, has been appointed to the Federation of State Medical Boards of the United States, Inc.'s Evaluation of Federation of State Medical Boards of the United States, Inc. Leadership Committee.

Mr. Lessly advised that he will be out of the office on vacation from June 11 - July 7, 2002.

AGENDA ITEM 22 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne
D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Budget for Fiscal Year 2002-2003*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Cheryl A. Hug-English, President

- Investigative Committee - Joel N. Lubritz, M.D., Chairperson (CONTINUED)

Dr. Stewart moved to close the cases recommended for closure by the Investigative Committee. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Hug-English recessed the meeting for the evening at 8:30 p.m.

SATURDAY, JUNE 1, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Joel N. Lubritz, M.D., Secretary-Treasurer

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager
Helena J. Teeple, Administrative Assistant

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney
General
John B. Lanzillotta, P.A.-C, Physician Assistant Advisory
Committee Member
Steven E. Kessinger, C.C.R.T., Practitioner of Respiratory
Care Advisory Committee Member

Cheryl A. Hug-English, M.D., President, reconvened the meeting
at 8:35 a.m.

AGENDA ITEM 22 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne
D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Budget for Fiscal Year 2002-2003*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Cheryl A. Hug-English, President

- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- Approval of Budget for Fiscal Year 2002-2003

Mr. Frantz distributed the board's *Profit & Loss Budget vs. Actual for July 2001 through June 2002* and *Balance Sheet as of June 30, 2002*, and reviewed them for the board.

Mr. Lessly reviewed the proposed budget for fiscal year 2002-2003 and reminded members that with the passage of AB 569, the board is no longer required to submit its budget to the state for approval. He requested the board's approval of the proposed budget for internal administration.

Dr. Jones moved to approve the board's budget for fiscal year 2002-2003 for internal administration. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 5

Acceptance of Applications for Practitioner of Respiratory Care Licensure - **Appearances**

Open Session

5 (k) Eduardo Galilo, C.R.T.

Dr. Jones questioned Eduardo Galilo, C.R.T., who appeared before the board to respond to questions concerning his affirmative answer to question no. 12 on his application for licensure.

Mr. Galilo explained the circumstances surrounding his arrest for shoplifting in Washington, D.C. in June of 1998.

Dr. Titus moved to accept Eduardo Galilo, C.R.T.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Executive Session

5 (l) Paul Healy, C.R.T.

Upon returning to Open Session, Dr. Baepler moved to table the agenda item until such time that board staff can locate Mr. Healy within the building. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

5 (m) Pablo Volpez, C.R.T.

Upon returning to Open Session, Dr. Titus moved to deny Pablo Volpez, C.R.T.'s application for licensure based on *NAC 630.540(1) Willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for a license or renewing a license.* Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Executive Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

5 (n) Mary White, C.R.T.

Upon returning to Open Session, Dr. Baepler moved to accept Mary White, C.R.T.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4

Acceptance of Applications for Medical Doctor Licensure - Appearances

Open Session

4 (a) Shawn Larson, M.D.

Dr. Baepler questioned Shawn Larson, M.D., who appeared before the board to respond to questions concerning his affirmative answers to question nos. 19, 31 and 33 on his application for limited licensure. Dr. Baepler reminded members that Dr. Larson had appeared before the board for acceptance of his application for limited licensure on June 2, 2001, at which time he withdrew his application.

Dr. Larson explained the circumstances surrounding his inappropriate handling of medical records while participating in the University of Wisconsin Psychiatric Residency program in 1999. He explained that since his last appearance before the board, he has signed a contract with and is successfully participating in the board's Diversion Program, has been attending weekly psychotherapy sessions with a Clinical Psychologist and has been steadily employed by Sagewind in Reno, as House Technician. He stated that he sincerely intends to continue his psychological therapy and is willing to provide the board with regular reports on his progress in this respect.

Mr. Lessly advised that the Psychiatric Residency Program at the University of Nevada School of Medicine does not currently have a space open for Dr. Larson and, by statute, the board is unable to accept any application for limited licensure until such time that the applicant has been formally accepted into a program by the program's Residency Director.

Dr. Hug-English thanked Dr. Larson for his forthrightness, and advised him that the board can take no action on his application for limited licensure until such time that he is formally accepted into a residency program. She recommended to Dr. Larson that he secure a spot in a residency program prior to re-applying for limited licensure.

4 (b) Robert Mulert, M.D.

Dr. Anjum questioned Robert Mulert, M.D., who appeared before the board to respond to questions concerning his affirmative answer to question no. 12 on his application for limited licensure.

Dr. Mulert explained the circumstances surrounding the five claims of malpractice filed against him. He stated that he holds licensure in three other states and practices Emergency Medicine in Florida. He explained that should he obtain limited licensure in Nevada to participate in the Psychiatry Residency Program, he would like to combine Emergency Medicine and Psychiatry and practice in an underprivileged area. He added that he feels the combination of specialties would be of great benefit when working with the underprivileged.

Dr. Titus moved to accept Robert Mulert, M.D.'s application for limited licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Mulert commented that he would like to practice Emergency Medicine on a part-time basis in California during the time he is participating in the Psychiatry Residency Program. Dr. Hug-English advised Dr. Mulert that he would require approval from the board to "moonlight" and, in addition, needs to seek the approval of his Residency Director prior to considering any such practice outside the scope of the Residency Program.

4 (c) Ashok Pandit, M.D.

Dr. Stewart questioned Ashok Pandit, M.D., who appeared before the board to respond to questions concerning his affirmative answers to question nos. 12, 19 and 28, erroneous negative answer to question no. 31 and “not applicable” answer to question no. 33 on his application for licensure.

Dr. Pandit waived the Nevada Open Meeting Law requiring a 21-day notice to be heard in Executive Session, so that the board may go into Executive Session to discuss his character and professional competence

Dr. Stewart moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Upon returning to Open Session, Dr. Titus moved to deny Ashok Pandit, M.D.’s application for licensure based on ***NRS 630.358(2)(b) In hearing the application, the board: (b) Shall determine whether under all the circumstances the time of the application is reasonable and NRS 630.304(1) Obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement.*** Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to go into Executive Session for the same purposes stated before. The motion was seconded by Dr. Titus, and it passed unanimously.

Executive Session

4 (e) Kwasi Debra, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept Kwasi Debra, M.D.’s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

4 (g) Howard Kramer, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept Howard Kramer, M.D.’s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 17

Appearance by Representatives of the Clark County Medical Society to Discuss Clark County Medical Society Relationship with Nevada State Board of Medical Examiners

- Raj R. Chanderraj, M.D., President, Clark County Medical Society

Raj R. Chanderraj, M.D., President of the Clark County Medical Society appeared before the board stating that it is the desire of the state's medical societies to foster a positive relationship with the board. He stated his feeling that the societies could offer the board helpful input regarding various pertinent issues, such as medical error reporting. He suggested that board members should consider occasionally attending a society or state association meeting.

Dr. Chanderraj spoke on several issues of concern to the state's medical societies and association:

- 1) The board should consider granting CME credit to licensed M.D.s who contribute their time to medical issues occurring within the state, i.e. the medical malpractice crisis;
- 2) The board should investigate the diagnostic centers currently operating within the state without physician supervision;
- 3) The board should consider holding some of its meetings in Las Vegas; and
- 4) The board's statistics concerning M.D.s who are leaving their Nevada practices due to the malpractice crisis should be more carefully tallied, as the board's statistics currently do not seem to reflect the true number of M.D.s who have left the state for that reason.

Dr. Hug-English thanked Dr. Chanderraj for appearing before the board and for his time.

AGENDA ITEM 16

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. D. Stuart Steele, M.D., Case No. 01-7061-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D.; President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. D. Stuart Steele, M.D., Case No. 01-7061-1, except Dr. Lubritz, who was not in attendance.

Dr. Montoya moved to go into Executive Session to deliberate on the single count of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Montoya moved to find D. Stuart Steele, M.D. not guilty of the single count of the Complaint. Dr. Montoya explained that Dr. Steele's lack of knowledge that there was a bowel perforation and the good judgment he used in the matter are not grounds for a finding of guilty. He added that he feels that the incident occurred due to poor communication between the physicians involved, which communication needs to be improved. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 14

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Ajumobi Charles Agu, M.D., Case No. 01-12518-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D.; President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Ajumobi Charles Agu, M.D., Case No. 01-12518-1, except Dr. Lubritz, who was not in attendance.

Dr. Montoya moved to go into Executive Session to deliberate on the nine counts of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Stewart moved to find Ajumobi Charles Agu, M.D. guilty of all nine counts of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Stewart moved to revoke the license to practice medicine in the state of Nevada of Ajumobi Charles Agu, M.D. and stay the revocation with the following terms and conditions: 1) he must continue under contract with the Diversion Program until further order of the board; 2) in addition to completing the required forty hours of CME per biennium, he will successfully complete ten hours of CME in proper prescribing within six months of the board's order in this case; and 3) he will pay all costs associated with the investigation and prosecution of the case against him. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya and Dr. Anjum left the meeting at 12:10 p.m.

AGENDA ITEM 4 (CONTINUED)

Acceptance of Applications for Medical Doctor Licensure - Appearances

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Jones, and it passed unanimously.

Executive Session

4 (d) Leah Brown, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Leah Brown, M.D.'s application for licensure. Dr. Jones seconded the motion, and it passed, with Dr. Stewart and Dr. Baeppler opposing the motion and the Chair voting in favor of the motion.

Dr. Stewart moved to return to Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

4 (f) Tarek Greiss, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Tarek Greiss, M.D.'s application for licensure contingent upon his compliance with his Diversion Program contract. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 5 (CONTINUED)

Acceptance of Applications for Practitioner of Respiratory Care Licensure - Appearances

Dr. Titus moved to remove this agenda item from the table as Mr. Healy was now present and accounted for. Dr. Baeppler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

Executive Session

5 (l) Paul Healy, C.R.T. (CONTINUED)

Upon returning to Open Session, Dr. Titus moved to accept Paul Healy, C.R.T.'s application for licensure contingent upon his compliance with his Diversion Program contract. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

The meeting recessed for lunch at 1:15 p.m.

Dr. Hug-English reconvened the meeting at 1:45 p.m.

AGENDA ITEM 7 (CONTINUED)

Consideration of Petition from the Douglas County Commissioners to Waive Requirements for Licensure Per NRS 630.164(1) for Jack M. Bertman, M.D.

Dr. Baepler moved to remove this item from the table. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly restated the statistical information he had reported to the board under this agenda item earlier in the meeting for Dr. Titus, as she was absent during that portion of the meeting. Dr. Titus stated her feeling that the Minden/Gardnerville area is currently saturated with physicians.

Dr. Baepler moved to deny the petition from the Douglas County Commissioners to waive the requirements for licensure per NRS 630.164(1) for Jack M. Bertman, M.D. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 18

Consideration of Request by the Community College of Southern Nevada for Approval of Practitioner of Respiratory Care Training Program Per NRS 630.047(1)(e) and (f)(1)

Dr. Hug-English asked Mr. Kessinger to speak on this agenda item. Mr. Kessinger advised that the college is fully accredited and he feels there is no reason why the board should not approve this program.

Dr. Stewart moved to approve the Community College of Southern Nevada's practitioner of respiratory care training program per NRS 630.047(1)(e) and (f)(1). Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 19

Consideration of Request by Washoe Medical Center for Approval of Four Practitioner of Respiratory Care Continuing Education Programs per NAC 630.530(2)(b)

Dr. Stewart moved to approve the four practitioner of respiratory care continuing education programs as requested by Washoe Medical Center, per NAC 630.530(2)(b). Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 22 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.C.R.T.
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members:
Arne
D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.
- Investigative Committee - Joel N. Lubritz, M.D., Chairperson
- Secretary-Treasurer - Joel N. Lubritz, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- *Approval of Budget for Fiscal Year 2002-2003*
- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Cheryl A. Hug-English, President

- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.C.R.T.

Mr. Kessinger advised that there is currently an extreme shortage of practitioners of respiratory care at Sunrise Hospital and Washoe Medical Center. He stated that he has heard that there is a concern at Elko General Hospital that the hospital is losing practitioner of respiratory care applicants due to Nevada's lengthy licensing process.

Discussion ensued, with Mr. Lessly advising that the board's licensing process is as streamlined as possible and if staff were to "cut corners" to attempt to speed up the current process, it could become a liability issue for the board.

Mrs. Kirch suggested that a letter be sent to all hospital medical staff offices reminding them that they can help speed up the issuance of licenses by helping their applicants with their end of the application process.

Dr. Hug-English suggested to Mr. Kessinger that a report of the discussion that has taken place under this agenda item should be placed on the Nevada Society for Respiratory Care's website.

- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members: Arne D. Rosencrantz; Susan S. Buchwald, M.D.; and Donald H. Baepler, Ph.D., D.Sc.

There was no report under this agenda item.

- Federation of State Medical Boards of the United States, Inc.'s Annual Meeting - Cheryl A. Hug-English, President

There was no report under this agenda item.

AGENDA ITEM 4 *(CONTINUED)*

Acceptance of Applications for Medical Doctor Licensure - Appearances

Mrs. Kirch moved to go into Executive Session to discuss the character and professional competence of an applicant for licensure. The motion was seconded by Dr. Jones, and it passed unanimously.

Executive Session

4 (h) Carolyn Sharp, M.D.

Upon returning to Open Session, Dr. Stewart moved to accept Carolyn Sharp, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Executive Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

4 (i) Robert Sheets, M.D.

Upon returning to Open Session, Mrs. Lyons reported that Robert Sheets, M.D. left the meeting a few moments earlier, indicating to Mrs. Teeples that he is withdrawing his application for licensure. She added that Mrs. Teeples advised Dr. Sheets that he will need to submit to the board in writing his request to withdraw his application for licensure.

Dr. Baepler moved to table this agenda item. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Executive Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

4 (j) Stanton Smith, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Stanton Smith, M.D.'s application for licensure. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Approval of Change of Medical Doctor Licensure Status from Inactive to Active - Appearance

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed unanimously.

Executive Session

Gregory Bergner, M.D.

Upon returning to Open Session, Dr. Stewart moved to approve Gregory Bergner, M.D.'s change of licensure status from inactive to active. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9

Consideration of Acceptance of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Matthew J. Barulich, III, M.D., Case No. 02-2968-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to consider acceptance of the Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Matthew J. Barulich, III, M.D., Case No. 02-2968-1, except Dr. Anjum and Dr. Montoya, who were not in attendance.

Mr. Legarza reviewed for members the points of the Complaint and proposed Stipulation for Settlement in the matter. He advised that he and the Investigative Committee recommend the board's acceptance of the proposed Stipulation for Settlement.

Dr. Stewart moved to accept the Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Matthew J. Barulich, III, M.D., Case No. 02-2968-1. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 11

Consideration of Petition for Termination of Probation in the Matter of the Nevada State Board of Medical Examiners vs. Corydon G. Clark, M.D., Case No. 95-8808-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Donald H. Baepler, Ph.D., D.Sc.; Robin L. Titus, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to consider the petition for termination of probation in the matter of the Nevada State Board of Medical Examiners vs. Corydon G. Clark, M.D., Case No. 95-8808-1, except Dr. Lubritz, Dr. Anjum and Dr. Montoya, who were not in attendance.

Mr. Legarza reviewed for members the history of the Complaint and Order in the matter. He advised that the period of time has run on the term of Dr. Clark's probation and he has been in compliance with the probationary terms.

Dr. Baepler moved to terminate the probation in the matter of the Nevada State Board of Medical Examiners vs. Corydon G. Clark, M.D., Case No. 95-8808-1 and to restore Dr. Clark's license to full unrestricted status. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 12

Consideration of Petition for Reinstatement of License in the Matter of the Nevada State Board of Medical Examiners vs. Mahmoud Nemazee, M.D., Case No. 01-7898-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Joel N. Lubritz, M.D., Secretary-Treasurer; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to consider the petition for reinstatement of license in the matter of the 01-7898-1, except Dr. Lubritz, who was not in attendance.

Mr. Legarza reviewed for members the points of the board's Order in the matter. He advised that Dr. Nemazee's license to practice medicine in the state of Maryland has been reinstated and, per the terms of the board's Order, he is now eligible for reinstatement of his Nevada license.

Dr. Stewart moved to reinstate the license to practice medicine in the state of Nevada of Mahmoud Nemazee, M.D. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 13

Consideration of Acceptance of Voluntary Surrender of License While Under Investigation in the Matter of the Nevada State Board of Medical Examiners vs. Francis G. D'Ambrosio, M.D., Case No. 02-7897-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to consider the acceptance of the voluntary surrender of license while under investigation in the matter of the Nevada State Board of Medical Examiners vs. Francis G. D'Ambrosio, M.D., Case No. 02-7897-1, except Dr. Anjum and Dr. Montoya, who were not in attendance.

Mr. Legarza advised that he received Dr. D'Ambrosio's voluntary surrender of license while under investigation on April 11, 2002, and is presenting it to the board for acceptance.

Dr. Stewart moved to accept the voluntary surrender of license while under investigation in the matter of the Nevada State Board of Medical Examiners vs. Francis G. D'Ambrosio, M.D., Case No. 02-7897-1. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 15

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Curtis B. De Friez, M.D., Case No. 02-8075-1

Adjudicating Board Members: Cheryl A. Hug-English, M.D., President; Jaculine C. Jones, Ed.D., Vice President; Paul A. Stewart, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Stephen K. Montoya, M.D.

Dr. Hug-English confirmed that all adjudicating members were present and prepared to adjudicate the matter of the Nevada State Board of Medical Examiners vs. Curtis B. De Friez, M.D., Case No. 02-8075-1, except Dr. Anjum and Dr. Montoya who were not in attendance.

The adjudicating members deliberated on the single count of the Complaint.

Dr. Jones moved to find Curtis B. De Friez, M.D. guilty of the single count of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The adjudicating members deliberated on the possible sanctions which would be appropriate in this matter. Dr. Hug-English stated that Dr. De Friez has clearly admitted that he has practiced medicine under the influence; therefore, he is a danger to the public health, safety and welfare.

Dr. Jones moved to revoke the license to practice medicine in the state of Nevada of Curtis B. De Friez, M.D. and order him to pay all costs associated with the investigation and prosecution of the case against him. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 26

Matters for Future Agenda

Mr. Lessly reminded members of the special board meeting to be held at the board office conference room on Tuesday, June 4, 2002.

AGENDA ITEM 27
Public Comment

There was no public comment

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 3:40 p.m.